Case 3:21-cv-03496-AMO Document 228-21 Filed 05/17/24 Page 1 of 6 HIGHLY CONFIDENTIAL

9 INTUITIVE SURGICAL, INC.,) 10 Defendant.) 11		
3 4 5 SURGICAL INSTRUMENT SERVICE) COMPANY, INC.,) 6	1	UNITED STATES DISTRICT COURT
SURGICAL INSTRUMENT SERVICE COMPANY, INC., Plaintiff, VS. CASE NO.: INTUITIVE SURGICAL, INC., Defendant. Defendant. VIDEOTAPED ZOOM DEPOSITION OF MAXWELL MENG, M.D March 7, 2023 March 7, 2023 JOB NO.: 5782454 REPORTED BY: MICHELLE MEDEL SABADO, RPR, CRR, CSR #76	2	NORTHERN DISTRICT OF CALIFORNIA
5 SURGICAL INSTRUMENT SERVICE) COMPANY, INC.,) 6	3	
COMPANY, INC.,) Plaintiff,) VS.) CASE NO.: S) 3:21-cv-03496-Vi Plaintiff,) INTUITIVE SURGICAL, INC.,) Defendant.) 10 Defendant.) 11 12 13 HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY S VIDEOTAPED ZOOM DEPOSITION OF MAXWELL MENG, M.D March 7, 2023 March 7, 2023 March 7, 2023 JOB NO.: 5782454 REPORTED BY: MICHELLE MEDEL SABADO, RPR, CRR, CSR #7	4	
Plaintiff,) VS.) CASE NO.: NS.) CASE NO.: INTUITIVE SURGICAL, INC.,) Defendant.)	5	SURGICAL INSTRUMENT SERVICE)
Plaintiff,) VS.) CASE NO.: 8		COMPANY, INC.,
7	6)
VS.) CASE NO.: 3:21-cv-03496-Vi) 10 Defendant.) 11 Defendant.) - HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY - VIDEOTAPED ZOOM DEPOSITION OF MAXWELL MENG, M.D March 7, 2023 18 Defendant - ATTORNEYS EYES ONLY - March 7, 2023 18 Defendant - ATTORNEYS EYES ONLY - March 7, 2023 20 Defendant - ATTORNEYS EYES ONLY - March 7, 2023 21 Defendant - ATTORNEYS EYES ONLY - March 7, 2023 22 Defendant - ATTORNEYS EYES ONLY - March 7, 2023 23 Defendant - ATTORNEYS EYES ONLY - March 7, 2023 24 DOB NO.: 5782454 25 REPORTED BY: MICHELLE MEDEL SABADO, RPR, CRR, CSR #75		Plaintiff,)
3:21-cv-03496-Vi	7)
9 INTUITIVE SURGICAL, INC.,) 10 Defendant.) 11		VS.) CASE NO.:
9 INTUITIVE SURGICAL, INC.,) Defendant.) 10 Defendant.)	8) 3:21-cv-03496-VC
Defendant.) Defendant.) 11 12 13 14 - HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY - 15 16 VIDEOTAPED ZOOM DEPOSITION OF MAXWELL MENG, M.D March 7, 2023 18 19 00000 20 21 22 23 24 JOB NO.: 5782454 REPORTED BY: MICHELLE MEDEL SABADO, RPR, CRR, CSR #7-)
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11 12 13 14 HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY - 15 16 VIDEOTAPED ZOOM DEPOSITION OF MAXWELL MENG, M.D 17 March 7, 2023 18 1900000 20 21 22 23 24 JOB NO.: 5782454 25 REPORTED BY: MICHELLE MEDEL SABADO, RPR, CRR, CSR #7)
12 13 14	10	Defendant.)
12 13 14)
13 14 HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY - 15 16 VIDEOTAPED ZOOM DEPOSITION OF MAXWELL MENG, M.D March 7, 2023 18 19ooOoo 20 21 22 23 24 JOB NO.: 5782454 REPORTED BY: MICHELLE MEDEL SABADO, RPR, CRR, CSR #7	11	
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15 16 VIDEOTAPED ZOOM DEPOSITION OF MAXWELL MENG, M.D 17 March 7, 2023 18 19ooOoo 20 21 22 23 24 JOB NO.: 5782454 25 REPORTED BY: MICHELLE MEDEL SABADO, RPR, CRR, CSR #7	13	
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18 19ooOoo 20 21 22 23 24 JOB NO.: 5782454 25 REPORTED BY: MICHELLE MEDEL SABADO, RPR, CRR, CSR #7	16	VIDEOTAPED ZOOM DEPOSITION OF MAXWELL MENG, M.D.
ooOoo 20 21 22 23 24	17	March 7, 2023
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21 22 23 24 JOB NO.: 5782454 25 REPORTED BY: MICHELLE MEDEL SABADO, RPR, CRR, CSR #7	19	00000
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JOB NO.: 5782454 REPORTED BY: MICHELLE MEDEL SABADO, RPR, CRR, CSR #7	21	
JOB NO.: 5782454 REPORTED BY: MICHELLE MEDEL SABADO, RPR, CRR, CSR #7	22	
REPORTED BY: MICHELLE MEDEL SABADO, RPR, CRR, CSR #7	23	
	24	JOB NO.: 5782454
	25	REPORTED BY: MICHELLE MEDEL SABADO, RPR, CRR, CSR #7423
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1	VIDEOTAPED ZOOM DEPOSITION OF MAXWELL MENG,
2	M.D., TAKEN ON BEHALF OF PLAINTIFF, COMMENCING AT 9:38
3	A.M., TUESDAY, MARCH 7, 2023, AT SAN FRANCISCO,
4	CALIFORNIA, BEFORE MICHELLE MEDEL SABADO, RPR, CRR, CSR
5	#7423.
6	
7	
8	
9	
10	APPEARANCES OF COUNSEL:
11	(ALL PARTIES APPEARING REMOTELY)
12	
13	FOR PLAINTIFF:
14	HALEY GUILIANO, LLP
	BY: JOSHUA V. VAN HOVEN, ESQ.
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	joshua.vanhoven@hglaw.com
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18	FOR DEFENDANT:
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	BY: ALLEN RUBY, ESQ.
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	Los Gatos, California 95032
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	allen@allenruby.com
22	-
23	
24	
25	
	Page 2

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1	
2	APPEARANCES OF COUNSEL (CONTINUED):
3	
4	COVINGTON & BURLING, LLP
	BY: CORTLIN H. LANNIN, ESQ.
5	MARIAM AZHAR, ESQ.
	Salesforce Tower
6	415 Mission Street, Suite 5400
	San Francisco, California 94105
7	415.591.6000.
	clannin@cov.com
8	mazhar@cov.com
9	
10	
11	Also Present:
12	ANTHONY GULINO - THE VIDEOGRAPHER
13	
14	
15	
16	
17	
18	
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	Page 3

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1	A Well, I think all sterilized instruments	10:39
2	can't be stored forever and there's a time at which they	
3	need to be used by.	
4	Q And and that's part of the OR and	
5	reprocessing department process to keep track of when	10:40
6	they were sterilized and when they're next used?	
7	A Correct.	
8	Q Any any other examples of OR equipment	
9	that has expiration dates?	
10	A Not that I can think of right now.	10:40
11	Q And then you talked about limited numbers of	
12	lives or or limited amount of use or something I I	
13	don't but are there other devices not that don't	
14	have expiration dates that have other limitations in	
15	their surgical use over time?	10:40
16	A Such as the EndoWrist?	
17	Q That would be an example.	
18	That is an example, yes.	
19	Q Do you have any other examples like that?	
20	A Not that not that I can think of right	10:41
21	now.	
22	Q How long have you been practicing medicine,	
23	Dr. Meng?	
24	A Twenty-five-ish years.	
25	Q In those 25 years, you can't think of another	10:41
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1 exam	nple of	a limited use or limited lifetime device that	10:41
you'	ve seen	?	
3	A	Well, I think one potential example is a Endo	
4 GIA	stapler		
5	Q	What is the nature of the limitation on use	10:41
6 or 1	ife for	the for an Endo GIA stapler?	
7	A	I think it may be six fires or seven, in that	
8 ball	park ra	nge.	
9	Q	Do you know who the manufacturer is of the	
10 Endo	GIA st	apler that you're thinking of?	10:42
11	A	It may be Valleylab.	
12	Q	Valleylab?	
13	A	Yeah, but I think they that's part of a	
14 bigg	ger comp	any. I can't remember offhand the	
15 manu	ıfacture	r.	10:42
16	Q	An Endo GIA stapler is not something that	
17 atta	ches to	a Intuitive da Vinci system?	
18	A	It is not.	
19	Q	What happens when the Endo GIA stapler, I	
20 gues	ss ex	lets off all of its fires?	10:42
21	A	We get a new one.	
22	Q	It won't work for any more?	
23	A	It could work but our guidance is certain	
24 limi	ted use	s then we get a new stapler.	
25	Q	Any other examples other than a Endo GIA	10:43
			Page 41

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1	stapler for limited use or limited lifetime of devices	10:43
2	that you've seen or heard of in your 25 years of medical	
3	practice?	
4	A I think the stapler would be the one that we	
5	use a fair amount and would be a good example of that.	10:43
6	Q I understand that be may be a good example	
7	but I'm just asking in in all of your 25 years of	
8	medical practice, are there any other examples that you	
9	can think of other than EndoWrists and an Endo GIA	
10	stapler?	10:43
11	A No.	
12	Q I'd like to go back to your Exhibit it was	
13	Exhibit 10. I think I'm putting it on your screen again.	
14	A Correct.	
15	Q If you want to go down to paragraph 17 and	10:44
16	take a look at that and let me know when you're ready to	
17	discuss that paragraph, and anything else you want to	
18	look at before you discuss that paragraph.	
19	(Document reviewed by the witness.)	
20	THE WITNESS: Okay.	10:44
21	BY MR. VAN HOVEN:	
22	Q First, I I'd like to so this is talking	
23	about limits for use so we call that we'll call those	
24	use limits, is that fair?	
25	A Fair.	10:44
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